

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of the Commission's)
Rules to Establish Rules and)
Policies Pertaining to a Mobile)
Satellite Service in the 1610-1626.5)
MHz and 2483.5-2500 MHz)
Frequency Bands)
_____)

CC Docket No. 92-166

To: The Commission

DOCKET FILE COPY ORIGINAL

PETITION FOR CLARIFICATION

Pursuant to Section 1.429 of the Commission's Rules, L/Q Licensee, Inc., ("LQL"), by its undersigned attorneys, hereby petitions for clarification of the Commission's Memorandum Opinion and Order in the above-referenced docket, which modified certain rules and policies for MSS Above 1 GHz systems.¹ See Memorandum Opinion and Order, FCC 96-54 (released February 15, 1996) ("MO&O"), modifying Report and Order, 9 FCC Rcd 5936 (1994). LQL is a wholly-owned subsidiary of Loral/QUALCOMM Partnership, L.P. (LQP), and holds the authorization to construct, launch and operate the Globalstar™ low-earth orbit, satellite telecommunications system in the 1.6/2.4 GHz bands. See Loral/QUALCOMM Partnership, L.P., 10 FCC Rcd 2333 (1995). LQP has participated throughout this rulemaking as a member of the Negotiated

¹ Public Notice of the MO&O appeared in the Federal Register on March 12, 1996. 61 Fed. Reg. 9944 (Mar. 12, 1996).

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Rulemaking Committee, by filing Comments and Reply Comments on the Notice of Proposed Rulemaking, 9 FCC Rcd 1094 (1994), and by petitioning for clarification and partial reconsideration of the initial Report and Order. See MO&O, at 2 n.3.

LQL's Petition is limited to one issue raised by the Commission's action in the MO&O. LQL requests that the Commission clarify that elimination of the "interim plan" is conditioned on there being no obligation for MSS Above 1 GHz licensees to protect GLONASS receivers in the United States. See MO&O, ¶¶ 12-14. Alternatively, if the Commission imposes such an obligation to protect GLONASS receivers, then some form of an interim plan may be required.

I. THE COMMISSION SHOULD CLARIFY THAT THE NEED FOR AN INTERIM PLAN IS BASED UPON THE POTENTIAL REQUIREMENT TO PROTECT GLONASS RECEIVERS IN THE UNITED STATES.

LQP has consistently opposed adoption of an "interim plan" for MSS operations in the 1610-1626.5 MHz band based solely on speculation about requirements which may be imposed to protect GLONASS receivers in the United States. See LQP's Petition for Clarification and Partial Reconsideration, at 12-17 (filed Nov. 21, 1994); LQP's Reply Comments, at 11-18 (filed June 20, 1994). Accordingly, LQL supports the Commission's decision to eliminate the interim plan based on "the substantial uncertainty as to whether protection of GLONASS will ever be necessary in any configuration other than its final configuration at frequencies below 1606 MHz." MO&O, ¶ 14.

However, the Commission recently stated that it planned to adopt the recommendation of the RTCA, Inc., on standards for out-of-band emissions from mobile earth stations associated with MSS systems as they affect the Global Navigation Satellite System, which may include GLONASS. See Notice of Proposed Rulemaking re Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures, 10 FCC Rcd 10624, 10631 (1995). As the Commission recognized in adopting the interim plan, adoption of protection criteria for GLONASS receivers in the United States may result in impairment of the usefulness of the CDMA segment of the 1.6 GHz band for MSS. See Report and Order, 9 FCC Rcd at 5956-59.

LQL recommended in its prior Petition that the Commission defer decision on this issue until the various agencies which are developing criteria for coordination of MSS and GLONASS receivers have completed their analyses and issued recommendations. See LQP's Petition for Clarification and Partial Reconsideration, at 17-18. As the Commission is aware, the RTCA is endeavoring to develop a consensus proposal regarding criteria for protection of GLONASS receivers in the United States. MSS licensees, including AMSC, Motorola, LQL and TRW, are participating in this process, along with the Federal Aviation Administration and manufacturers of aviation navigation systems.

The objective of the RTCA activity is to define protection criteria for GLONASS receivers operating below 1605 MHz which balance the interests of the MSS community with protection for GLONASS receivers. Despite the extensive

efforts of this group to reach a consensus, the position of the FAA has made consensus difficult to achieve. Essentially, the FAA seeks protection limits for GLONASS below 1610 MHz which are equivalent to those applied to the U.S. Global Positioning System ("GPS"). LQL believes this protection limit is too restrictive even for protection of GLONASS receivers up to 1605 MHz.² And, equivalent protection limits are not appropriate because GLONASS, unlike GPS, has not been accepted by either the FAA or by the International Civil Aviation Organization ("ICAO") as part of the global navigation satellite system for aeronautical navigation. See MO&O, ¶ 14. Moreover, the GPS allocation is substantially farther away from the MSS allocation (1575.42 MHz +/- 1.023 MHz), and so, the protection limit for GPS does not impose substantial burdens on MSS systems operating at 1610 MHz and above. However, obtaining equivalent protection limits for GLONASS up to 1605 MHz would pose substantial burdens on MSS system operators because of the proximity to the MSS band. These burdens include possible loss of spectrum use and/or more costly and heavier terminals.

If the stringent limits sought by FAA were to be adopted, the MSS operators using the lower portion of the 1610-1626.5 MHz band could face significant costs and burdens. As recognized by the Commission in the Report and

² LQP explained in its Comments (at pp. 66-73), Reply Comments (at pp. 11-18), and Petition for Clarification and Partial Reconsideration (at pp. 12-18) in this docket why the Commission should not adopt protection requirements for GLONASS receivers above 1606 MHz. LQL has submitted similar information in RTCA to show that the use of the equivalent protection limit is not required.

Order, 9 FCC Rcd at 5958, the burden of meeting such limits should be shared by all licensed users of the 1610-1626.5 MHz band. Thus, although the Commission has stated in the MO&O that it is no longer necessary to adopt an interim frequency use plan, such determination cannot be made in advance of the Commission's decision whether to adopt an out-of-band emission limit to protect GLONASS receivers below 1606 MHz. Until the Commission has concluded a proceeding on the RTCA's recommendation, and interested parties have had an opportunity to assess the impact on MSS Above 1 GHz systems, the Commission should hold action on the interim plan in abeyance.

Accordingly, LQL requests that the Commission clarify that elimination of the interim plan is dependent upon the absence of requirements for out-of-band protection for GLONASS receivers, but that, if such protection requirements were adopted, then, at the same time, the Commission will implement some form of interim plan to allocate equitably the burden of any impairment of the 1610-1626.5 MHz band among all licensed MSS systems.

II. CONCLUSION

For the reasons stated above, LQL requests that its Petition for Clarification of the Commission's rules and policies for MSS Above 1 GHz systems be modified as set forth herein.

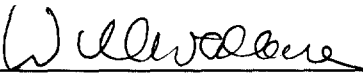
Respectfully submitted,

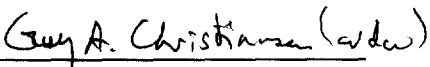
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Date: April 11, 1996

CERTIFICATE OF SERVICE

I, William D. Wallace, hereby certify that I have on this 11th day of April 1996, caused copies of the foregoing Petition for Clarification to be delivered via hand delivery (indicated with *) or by U.S. mail, postage prepaid, to the following:

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